

Introduced by Senator PavleyFebruary 21, 2013

An act to amend Section 125055 of the Health and Safety Code, relating to public health.

LEGISLATIVE COUNSEL'S DIGEST

SB 460, as introduced, Pavley. Prenatal testing program: education.

Existing law imposes various responsibilities upon the State Department of Public Health and prenatal care providers with respect to prenatal care, screening, and counseling. Existing law requires the department to develop an education program designed to educate physicians and surgeons and the public concerning the uses of prenatal testing and the availability of the prenatal testing program.

This bill would require that education program to include information concerning the importance of avoiding consumer products that contain chemicals that are known to be harmful to reproductive health.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 125055 of the Health and Safety Code
- 2 is amended to read:
- 3 125055. The department shall:
- 4 (a) Establish criteria for eligibility for the prenatal testing
- 5 program. Eligibility shall include definition of conditions and
- 6 circumstances that result in a high risk of a detectable genetic
- 7 disorder or birth defect.

1 (b) (1) Develop an education program designed to educate
2 physicians and surgeons and the public concerning the uses of
3 prenatal testing and the availability of the program.

4 (2) *This education program shall include information*
5 *concerning the importance of avoiding consumer products that*
6 *contain chemicals that are known to be harmful to reproductive*
7 *health.*

8 (c) Ensure that genetic counseling be given in conjunction with
9 prenatal testing at the approved prenatal diagnosis centers.

10 (d) Designate sufficient prenatal diagnosis centers to meet the
11 need for these services. Prenatal diagnosis centers shall have
12 equipment and staff trained and capable of providing genetic
13 counseling and performing prenatal diagnostic procedures and
14 tests, including the interpretation of the results of the procedures
15 and tests.

16 (e) Administer a program of subsidy grants for approved
17 nonprofit prenatal diagnosis centers. The subsidy grants shall be
18 awarded based on the reported number of low-income women
19 referred to the center, the number of prenatal diagnoses performed
20 in the previous year at that center, and the estimated size of unmet
21 need for prenatal diagnostic procedures and tests in its service
22 area. This subsidy shall be in addition to fees collected under other
23 state programs.

24 (f) Establish any rules, regulations, and standards for prenatal
25 diagnostic testing and the allocation of subsidies as the director
26 deems necessary to promote and protect the public health and
27 safety and to implement the Hereditary Disorders Act (Section
28 27).

29 (g) (1) The department shall expand prenatal screening to
30 include all tests that meet or exceed the current standard of care
31 as recommended by nationally recognized medical or genetic
32 organizations, including, but not limited to, inhibin.

33 (2) The prenatal screening fee increase for expanding prenatal
34 screening to include those tests described in paragraph (1) is forty
35 dollars (\$40).

36 (3) The department shall report to the Legislature regarding the
37 progress of the program with regard to implementing prenatal
38 screening for those tests described in paragraph (1) on or before
39 July 1, 2007. The report shall include the costs of screening,

1 followup, and treatment as compared to costs and morbidity averted
2 by this testing under the program.

3 (4) (A) The expenditure of funds from the Genetic Disease
4 Testing Fund for the expansion of the Genetic Disease Branch
5 Screening Information System to include the expansion of prenatal
6 screenings, pursuant to paragraph (1), may be implemented through
7 the amendment of the Genetic Disease Branch Screening
8 Information System contracts, and shall not be subject to Chapter
9 2 (commencing with Section 10290) or Chapter 3 (commencing
10 with Section 12100) of Part 2 of Division 2 of the Public Contract
11 Code, Article 4 (commencing with Section 19130) of Chapter 5
12 of Part 2 of Division 5 of Title 2 of the Government Code, or
13 Sections 4800 to 5180, inclusive, of the State Administrative
14 Manual as they relate to approval of information technology
15 projects or approval of increases in the duration or costs of
16 information technology projects. This paragraph shall apply to the
17 design, development, and implementation of the expansion, and
18 to the maintenance and operation of the Genetic Disease Branch
19 Screening Information System, including change requests, once
20 the expansion is implemented.

21 (B) (i) The department may adopt emergency regulations to
22 implement and make specific the amendments to this section made
23 during the 2006 portion of the 2005–06 Regular Session in
24 accordance with Chapter 3.5 (commencing with Section 11340)
25 of Part 1 of Division 3 of Title 2 of the Government Code. For the
26 purposes of the Administrative Procedure Act, the adoption of
27 regulations shall be deemed an emergency and necessary for the
28 immediate preservation of the public peace, health and safety, or
29 general welfare. Notwithstanding Chapter 3.5 (commencing with
30 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
31 Code, these emergency regulations shall not be subject to the
32 review and approval of the Office of Administrative Law.
33 Notwithstanding Section 11346.1 and Section 11349.6 of the
34 Government Code, the department shall submit these regulations
35 directly to the Secretary of State for filing. The regulations shall
36 become effective immediately upon filing by the Secretary of State.
37 Regulations shall be subject to public hearing within 120 days of
38 filing with the Secretary of State and shall comply with Sections
39 11346.8 and 11346.9 of the Government Code or shall be repealed.

1 (ii) The Office of Administrative Law shall provide for the
2 printing and publication of these regulations in the California Code
3 of Regulations. Notwithstanding Chapter 3.5 (commencing with
4 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
5 Code, the regulations adopted pursuant to this chapter shall not be
6 repealed by the Office of Administrative Law and shall remain in
7 effect until revised or repealed by the department.